

REMARKS

This communication is responsive to the Office Action dated September 23, 2002. No fee is believed to be due, but if there is a fee deficiency, please charge Deposit Account No. 06-1050.

Claim 1 has been amended, and claim 9 has been canceled. Claims 1-8 and 10-11 are pending.

In view of the above amendment and the following remarks, favorable reconsideration and allowance of the application are respectfully requested.

Claim 9 was rejected for being indefinite. Consequently, claim 9 has been canceled.

Claims 1-8, 10 and 11 were rejected for allegedly being anticipated by Newkirk et al., and for allegedly being anticipated by the Siemens AG reference.

A cosmetic amendment has been made to independent claim 1. In particular, the phrase "characterised in that" has been replaced with -- wherein--. Independent claims 1 and 10 recite, respectively, a machine for use in transactions and a method for operating a vending machine. The machine is operable to accept payment by diminishing the value of credit data stored on debit cards. In addition, the machine is operable to download aggregate credit data from vended articles in response to insertion of a download card into a card reader. Furthermore, the machine is operable to use identification information to recognize that a card is authorized to inhibit downloading, and in response thereto to prevent transfer of accumulated values to such cards authorized for downloading. In other words, the machine may inhibit a download request in response to a download card by previously recognizing a stop card, which has stored on it information identifying a download card and which prevents the identified download card from working with the machine.

Independent claims 6 and 10 also pertain to a machine and method of operating a machine, wherein the machine is operable to accept payment by reducing the value of credit data stored on a card. But the machine of these claims can use identification data to recognize a received card as a test card. In response to the test card, the machine permits an operation

normally requiring payment to be carried out without a resultant reduction in stored credit data by the test card. In other words, the test card can be used for a free transaction.

In contrast to the claimed invention, the Newkirk et al. patent discloses a public access network operating with telecommunication lines for making telephone calls. The Newkirk et al. patent is not only from a different art, but the disclosed system operates with credit-cards not debit-cards, as recited in the present claims. Although the Newkirk et al. patent does mention that the system may be relevant to "smart cards", the Newkirk et al patent does not teach or suggest how such smart cards may be utilized.

Furthermore, the Newkirk et al. patent does not teach or suggest the use of any type of download cards. In fact, Newkirk et. al. teaches away from the claimed invention because it teaches to use a management and master control center, located at an off-site satellite location, to manage appropriate billing with credit card companies. In contrast, the claimed invention has no interaction with credit card companies and allows for local downloading of aggregated credit values from vending operations.

Moreover, the Newkirk et al. patent does not suggest or teach the use of stop cards. In the claimed invention, stop cards are used to inhibit the downloading of cumulative credit data when a download card is inserted into the machines card reader. The use of stop cards is particularly advantageous when a download card has been either lost or stolen. The claimed invention addresses this problem by storing on a stop card identification information relating to the stolen or lost download card. Once the stop card is placed into the card reader, memory of the machine is configured to inhibit activation of the download function for the particular lost or stolen download card. In contrast, the Newkirk et al. patent does not teach or suggest to configure memory in such a manner. The Newkirk et al. system simply uses a file of stolen credit card numbers which is only updated when a credit card company provides such information.

The Siemens AG reference similarly relates to the use of credit cards rather than debit-cards. As can be gleaned from the English abstract of Siemens, the device includes a "hybrid" card reader for reading electronic cards and cards with a magnetic strip, to enable cashless transactions with a wider range of credit cards. Thus, the Siemens AG reference does not teach or suggest to teach the use of download or stop cards as recited in the present claims.

Applicant : McLaughlin et al.
Serial No. : 09/463,929
Filed : February 1, 2000
Page : 4

Attorney's Docket No.: 07703-268001 / MEK-
180/J.25237

Consequently, the applicant respectfully asserts that claims 1-8, 10 and 11 are not anticipated by the Newkirk et al. patent, and are not anticipated by the Siemens AG reference. Thus, withdrawal of the 35 U.S.C. § 102(b) rejections is requested.


Attached is a marked-up version of the changes being made by the current amendment.

In view of the above amendments and remarks, the applicant asks that all claims be allowed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

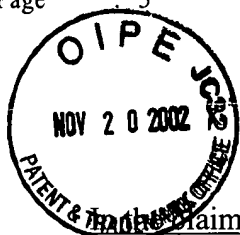
Date: 14 NOVEMBER 2002


Stephan J. Filipek
Reg. No. 33,384

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Applicant : McLaughlin et al.
Serial No. : 09/463,929
Filed : February 1, 2000
Page : 5

Attorney's Docket No.: 07703-268001 / MEK-
180/J.25237



Version with markings to show changes made

Claims:

Claim 9 has been cancelled.

Claim 1 has been amended as follows:

1. (Amended) A machine for use in transactions, the machine being operable to accept payment by diminishing the value of credit data stored on a card, the machine being operable to maintain a record of the accumulated value of the payments made, and having a memory storing identification data, the machine being operable to use the stored data to recognise a card as a card authorised for the purposes of downloading, and in response thereto to transfer the accumulated value to the card;

wherein [characterised in that] the machine is further operable to use the identification information to recognise that a card is authorised for the purpose of inhibiting downloading, and in response thereto to prevent transfer of accumulated values to cards authorised for downloading.

RECEIVED
NOV 25 2002
GROUP 3600